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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,042

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James Talaric

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GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

EXAMINER

AMIRI, NAHID

ART UNIT

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DELIVERY MODE

12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/681,042	Applicant(s) TALARIC ET AL.	
	Examiner Nahid Amiri	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-16 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20071023</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2007 has been entered. Claims 29-34 are canceled. Claims 1-28 are pending.

Claims 4-8 and 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7 November 2005.

Claim Rejections - 35 USC § 103

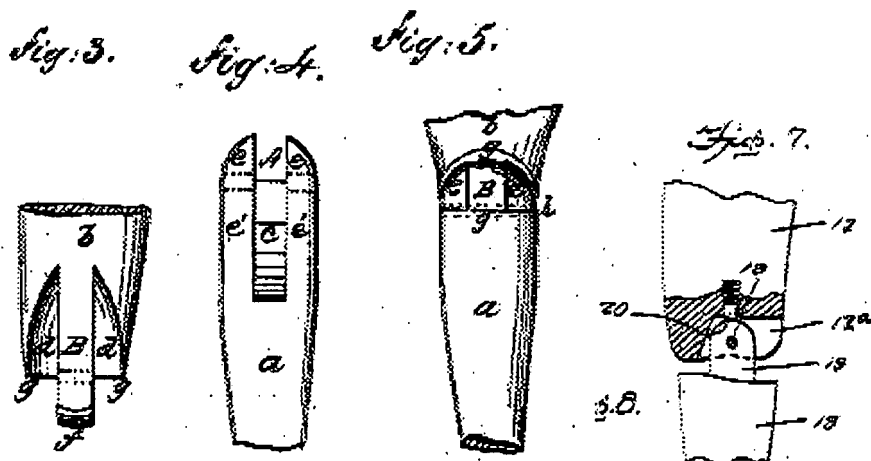
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 235,300 Sanders in view of US Patent No. 2,108,927 Rice.

With respect to claim 1, Sanders discloses a joint structure for joining limb members of a mannequin comprising a ball portion (e) formed at the-joining end of a first limb member (a), the ball portion having a surface and a slit (A) formed therein, a socket portion (d) formed at the joining end of a second limb member (b), the ball portion being at least partially inserted into

the socket portion, the socket portion being sized and shaped to closely fit the ball portion inserted therein and the interior surface of the socket portion having a tab (B) attached thereto said tab being adapted to be received by the slit (A) and to fill 80% or more of the slit (A) by the its width dimension (see Fig. 5) and pivotally attached to said first limb member; and wherein the distance between the interior surface of the socket portion (d) and the surface of the ball portion (e) is substantially uniform in its lengthwise for the entire ball portion (e) that is inserted within the socket portion (d). Sanders fails to disclose a friction-producing assembly fixture recessed within the first limb member and in contact with said tab. Rice teaches the use of a friction-producing assembly fixture recessed within the first limb member and in contact with said tab (Fig. 7) which comprises an open-ended chamber (into which 20 fits) extending into the first member from a slit (12A), a reversibly-compressible material (the spring) positioned at the closed end of said chamber, and a bearing (20) positioned between the reversibly-compressible material and the tab for the purpose of assisting in the retention of the adjustment of the leg sections (column 2 lines 32-35). Accordingly, it would have been obvious to one skilled in the art at the time of applicant's invention, to modify the arrangement of Sanders to include a friction-producing assembly fixture recessed within the first limb member and in contact with said tab which comprises an open-ended chamber extending into the first member from a slit, a reversibly-compressible material positioned at the closed end of said chamber, and a bearing positioned between the reversibly-compressible material and the tab, for the purpose of assisting in the retention of the adjustment of the leg sections as taught by Rice.



With respect to claim 2, Sanders discloses (Fig. 1) that the tab (B) is fixedly attached to the second limb member.

With respect to claim 3, Sanders discloses (Fig. 1) that the tab (B) is molded as one unit with the second limb member.

With respect to claim 9, Sanders in view of Rice results in a joint structure wherein the edge of said socket portion encloses the ball portion inserted therein around the periphery of said edge (this is shown in Figure 1 with such edges being at h and g).

With respect to claim 10, Sanders in view of Rice results in a joint structure wherein the reversibly-compressible material is a spring.

With respect to claim 11, Sanders in view of Rice results in a joint structure wherein the tab is attached to the first limb member by means of a pivot pin extending through said tab and at least partly through said first limb member.

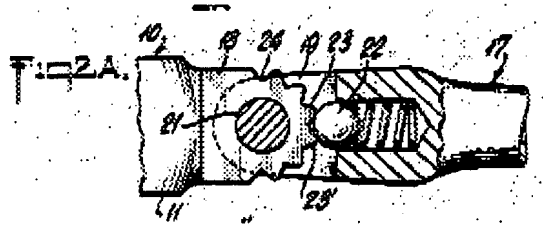
With respect to claim 12, Sanders in view of Rice results in a joint structure which forms a joint selected from the group consisting of a neck, a shoulder, an elbow, a hip, a knee, and an ankle (a knee joint is clearly shown).

With respect to claim 13, Sanders in view of Rice results in a joint structure for joining limb members of a mannequin. Rice teaches the use of a joint of this type in a mannequin for the purpose of allowing the mannequin to be positioned. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicants' invention, to use this joint in a mannequin as taught by Rice for the purpose of allowing the mannequin to be positioned.

With respect to claim 14, Sanders in view of Rice results in a joint structure for joining limb members of a mannequin wherein the tab effectively fills the slit (this is shown in any of the Figures).

Claims 15, 16, and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders in view of Rice and US Patent No. 3,383,962 Harris.

With respect to claim 15, Sanders discloses a joint structure for joining limb members of a mannequin comprising a ball portion (e) formed at the-joining end of a first limb member (a), the ball portion having a surface and a slit (A) formed therein, a socket portion (d) formed at the joining end of a second limb member (b), the ball portion being at least partially inserted into the socket portion, the socket portion being sized and shaped to closely fit the ball portion inserted therein and the interior surface of the socket portion (d) having a tab (B) attached thereto, the tab (B) adapted to be received by the slit (A) and to fill 80% or more of the slit (A) in its width dimension (see Fig 5); wherein the distance between the interior surface of the socket portion (d) and the surface of the ball portion (e) is substantially uniform in its lengthwise for the entire ball portion (e) that is inserted within the socket portion (d); and a bearing positioned between the reversibly-compressible material and the tab. Rice teaches the use of a friction-producing assembly fixture recessed within the first limb member and in contact with said tab (see Figure 7) which comprises an open- ended chamber extending into the first member from a slit, a reversibly-compressible material positioned at the closed end of said chamber, and a bearing positioned between the reversibly-compressible material and the tab for the purpose of assisting in the retention of the adjustment of the leg sections. Accordingly, it would have been obvious to one skilled in the art at the time of applicant's invention, to modify the arrangement of Sanders to include a friction-producing assembly fixture recessed within the first limb member and in contact with said tab which comprises an open-ended chamber extending into the first member from a slit, a reversibly-compressible material positioned at the closed end of said °chamber, and a bearing positioned between the reversibly-compressible material and the tab, for the purpose of assisting in the retention of the adjustment of the leg sections as taught by Rice. Sanders fails to disclose a tab having one or more surface depressions. Harris teaches the use of a tab (18) having one or more surface depressions (24), for the purpose of allowing detent engagement to retain a selected positions of the limb members (11 and 17). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the arrangement of Sanders to include surface depressions in the tab, for the purpose of retaining selected positions of the limb members as taught by Harris.



With respect to claim 16, Sanders in view of Rice and Harris results in a joint structure wherein the tab is molded as one unit with the second limb member.

With respect to claim 21, Sanders in view of Rice and Harris and Tseng results in a joint structure wherein the surface depressions are grooves.

With respect to claim 22, Sanders in view of Rice and Harris results in a joint structure for joining limb members of a mannequin wherein the edge of said socket portion encloses the ball portion inserted therein around the periphery of said edge.

With respect to claim 23, Sanders in view of Rice and Harris results in a joint structure for joining limb members of a mannequin wherein the reversibly- compressible material is a spring.

With respect to claim 24, Sanders in view of Rice and Harris results in a joint structure for joining limb members of a mannequin wherein the tab is attached to the first limb member by means of a pivot pin extending through said tab and at least partly through said first limb member.

With respect to claim 25, Sanders in view of Rice and Harris results in a joint structure. Rice teaches the use of a joint of this type in a mannequin for the purpose of allowing the mannequin to be positioned. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicants' invention, to use this joint in a mannequin as taught by Rice for the purpose of allowing the mannequin to be positioned.

With respect to claim 26, Sanders in view of Rice results a joint structure for joining limb members of a mannequin wherein said joint structure forms a joint selected from the group

consisting of a neck, a shoulder, an elbow, a hip, a knee, and an ankle (a knee joint is clearly shown).

With respect to claim 27, Sanders in view of Rice and Harris results in a joint structure, in which a joint structure for joining limb members of a mannequin wherein the tab effectively fills the slit.

With respect to claim 28, Sanders in view of Rice and Harris results in a joint structure wherein the surface depressions are grooves.

Response to Arguments

Applicant's arguments filed 23 October 2007 have been fully considered but they are not persuasive.

With respect to claims 1 and 15, line 9, Applicant argues that none of cited references Sanders (US 235,300) or Rice (US 2,108,927) teach a ball joint in which the tab fills 80% or more of the slit. This is not persuasive.

Sanders (US 235,300) clearly teaches (Fig. 5) that the tab (B) fills 80% or more of the slit (A) in width dimension.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nahid Amiri
Examiner
Art Unit 3679
December 4, 2007


DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600